

Pre-motion conference to be held on: June 18, 11:00 AM

Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance.

So ordered.



Cathy Seibel, U.S.D.J.

Dated: 5/28/15

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May 27, 2015

Hon. Cathy Seibel
United States Judge
Charles L. Brieant United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. American Express Company*
Case No. 7:15-CV-03420-CS

The Wave Studio, LLC v General Hotel Management Ltd., et al.
Case No. 7:13-CV-9239-CS-PED

Dear Judge Seibel:

Akin Gump Strauss Hauer & Feld LLP represents the defendant, American Express Company ("American Express") in *The Wave Studio, LLC v. American Express Company*, Case No. 7:15-CV-03420-CS. We request a pre-motion conference pursuant to Rule 2(A) of this Court's Individual Practices. American Express requests consolidation of its case with *The Wave Studio, LLC v General Hotel Management Ltd., et al.*, Case No. 7:13-CV-9239-CS-PED ("GHM litigation") pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

By way of background, on April 30, 2015, American Express and The Wave Studio, LLC ("Wave") consented to a transfer to the Southern District of New York and on May 4, 2015 this Court accepted this case and deemed it related to the GHM litigation pursuant to Local Civil Rule 13. American Express waived formal service on April 17, 2015 and is due to answer or otherwise respond to the Complaint on or before June 15, 2015.

Rule 42(a) permits consolidation of cases if the actions "involve a common question of law or fact." Both the instant action and the GHM litigation involve nearly identical issues of law and fact. Specifically the instant action and the GHM litigation involve allegations that photographs to which Wave purportedly holds copyrights have been unlawfully distributed.

Based on the foregoing, it is respectfully submitted that this matter be addressed at a pre-motion conference pursuant to Rule 2(A).